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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

This Document Relates to Plaintiff Boyd
Brown, 2:17-cv-00678-DGC

No. MD-15-02641-PHX-DGC

PLAINTIFF'S UNOPPOSED MOTION TO SUBSTITUTE PARTY
AND AMEND THE COMPLAINT

Plaintiff Boyd Brown, by and through undersigned counsel, and pursuant to FRCP 25(a) and 15(a)(2) hereby move the Court to substitute Jennifer Aguirre, Expected Administrator of the Estate of Boyd Brown, as Plaintiff by way of an Amended Short Form Complaint in the form attached hereto as Exhibit 1, and in support, states as follows:

1. Plaintiff Boyd Brown was implanted with a Bard IVC Filter and subsequently discovered his injuries in 2017. Plaintiff retained undersigned counsel, who filed a Complaint on his behalf against the Defendants for Boyd Brown's IVC Filter-related injuries.
2. Plaintiff Boyd Brown unexpectedly passed away July 14, 2017.
3. Plaintiff's counsel recently learned of Mr. Brown's passing.
4. Jennifer Aguirre is the Expected Administrator of the Estate of Boyd Brown.
5. Federal Rule of Civil Procedure 25(a)(1) provides that "if a party dies and the claim is not extinguished, the court may order substitution of the proper party. A

1 motion for substitution may be made by any party or by the decedent's successor
2 or representative."

3 6. Plaintiff hereby submits an Amended Short Form Complaint, attached hereto as
4 Exhibit 1, which substitutes Jennifer Aguirre, Expected Administrator of the
5 Estate of Boyd Brown, as Plaintiff.
6

7 7. The death certificate of Boyd Brown is attached as Exhibit A to the Amended
8 Short Form Complaint.
9

10 8. The Suggestion of Death for Boyd Brown was filed contemporaneously herewith.

11 9. Counsel for Defendants has indicated that they have no objection to this motion.
12

13 WHEREFORE, Plaintiff respectfully requests that this Court grant Plaintiff's Unopposed
14 Motion to Substitute Party and Amend the Complaint and order the Clerk to file the
15 Amended Short Form Complaint, attached hereto as Exhibit 1.
16

17
18 DATED: 04/13/2018

Respectfully Submitted,

19 /s/ Marlene J. Goldenberg
20 Stuart L. Goldenberg (*pro hac vice*)
21 Marlene J. Goldenberg (*pro hac vice*)
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